

REMARKS

Claims 1-10 were pending in this application. Claim 1 has been amended to reword the asserted functional language. Claim 4 has been amended to address the ambiguity issue raised by the Examiner. No claims have been added or cancelled. Accordingly, claims 1-10 still remain in this application.

35 U.S.C. §112 Rejections

Claims 1-10 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Applicants have amended claim 1 to recite the functional aspects of the claims components using “configured to” language. Reconsideration of these rejections is respectfully requested.

Claim Objections

Claim 4 stands objected to for informalities. Applicants have broken up the “title/singer” limitation into “title and singer” to address the asserted ambiguity. Reconsideration of this objection is respectfully requested.

35 U.S.C. §102 and §103 Rejections

Claims 1-3, 5, and 7-9 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Pat. App. Pub. No. 2001/0031066 to Meyer et al. (hereinafter “the Meyer publication”). Claims 4, 6, and 10 stand rejected under 35 U.S.A. §103(a) for obviousness based on the Meyer publication in view of U.S. Pat. App. Pub. No. 2004/0060070 to Mizushima or U.S. Pat. App. Pub. No. 2003/0163823 to Logan et al. (hereinafter “the Logan” publication).

The Meyer publication discloses a system for associating an action with an identifier of a digital audio file. With respect to independent claim 1, Applicants respectfully offer that the Examiner incorrectly equates the claimed “playback period” limitation to the “time of playback” disclosed in paragraph [0022] of the Meyer publication. Specifically, claim 1 requires that the playback period information be included in the tag information of the digital

audio file. In contrast, the system of the Meyer publication transmits the identifier (equated by the Examiner to the tag information) and additional context information. The additional context information may include the time of playback of the digital audio file. Because the Meyer publication relates to context information transmitted to a server at the time of playback, the “time of playback” corresponds to a time of day that the digital audio file is played and not the length or playback period of the actual audio file.

Furthermore, although the Meyer publication discloses how lyrical data may be associated with the digital audio file as part of the metadata embedded in the file (*See* paragraph [0014]), there is no disclosure with respect to obtaining lyrical data for a digital audio file that does not already have lyrical data associated with it. With respect to the disclosure of paragraph [0035], the Meyer publication indicates that an embedded web link in the identifier in the digital audio file may cause a user to navigate to a website associated with the distributor of the song, wherein the website may include information regarding the song (in the digital audio file), such as lyrics. Thus, no lyrical data is retrieved on the basis of the claimed tag information and playback period information, as set forth in claim 1.

It is settled law that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Brothers Inc. v. Union Oil Co. of California*, 2 USPQ2d, 1051, 1053 (Fed. Cir. 1987). In light of the aforementioned amendments and arguments made with respect to the anticipation rejections under the Meyer publication, whose underlying anticipation teachings, now refuted, are used for rejecting claims 4, 6, and 10 on an obviousness basis in view of the teachings of the Mizushima or Logan publications, Applicants hereby respectfully request that the Examiner not only withdraw the anticipation rejections of claims 1-3, 5, and 7-9, but also the overall obviousness rejections with respect to claims 4, 6, 10.

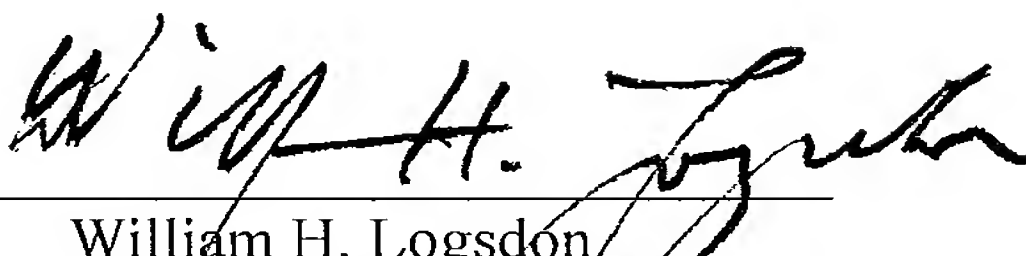
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CONCLUSION

Based on the foregoing remarks, reconsideration of the rejections and allowance of pending claims 1-10 are respectfully requested.

Respectfully submitted,

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